



## Legislation Details (With Text)

**File #:** 18-0311      **Version:** 0      **Name:** Nicotine Replacement Therapy Products - Sale and Distribution

**Type:** Ordinance      **Status:** Enacted

**File created:** 12/6/2018      **In control:** Mayor

**On agenda:**      **Final action:** 1/28/2019

**Enactment date:**      **Enactment #:** 20-364A

**Title:** Nicotine Replacement Therapy Products - Sale and Distribution  
For the purpose of requiring certain retailers to sell nicotine replacement therapy products; mandating certain retail display and packaging requirements; requiring certain employers and facilities to offer nicotine replacement therapy products at no cost; defining certain terms; providing for a special effective date; establishing certain penalties; and generally relating to the sale and distribution of nicotine replacement therapy products.

**Sponsors:** Kristerfer Burnett, Brandon M. Scott, John Bullock, Bill Henry, Leon F. Pinkett, III, Zeke Cohen, Mary Pat Clarke, Shannon Sneed

**Indexes:** Distribution, Nicotine, Sale, Therapy

**Code sections:**

**Attachments:** 1. 18-0311~1st Reader, 2. BDC 18-0311, 3. ECB 18-0311, 4. Law 18-0311, 5. Health 18-0311, 6. 2nd Reader Committee Floor Amendments 18-0311, 7. 18-0311~3rd Reader, 8. Signed Ordinance 18-0311

Date	Ver.	Action By	Action	Result
5/18/2020	0	City Council	Enacted with no signature from Mayor (passage of 3 council meetings)	
4/6/2020	0	City Council	Approved and Sent to the Mayor	
3/9/2020	0	City Council	3rd Reader, for final passage	
2/25/2020	0	Health	Recommended Favorably with Amendment	
2/25/2020	0	Health	Recommended Favorably with Amendment	Pass
1/27/2020	0	Health Committee	Scheduled for a Public Hearing	
12/16/2019	0	City Council	Reassigned	
1/28/2019	0	City Council	Enacted with no signature from Mayor (passage of 3 council meetings)	
12/10/2018	0	The City Council	Refer to Dept. of Health	
12/10/2018	0	The City Council	Refer to Environmental Control Board	
12/10/2018	0	The City Council	Refer to Baltimore Development Corporation	
12/10/2018	0	The City Council	Refer to City Solicitor	
12/6/2018	0	City Council	Assigned	
12/6/2018	0	City Council	Introduced	

**Explanation:** Capitals indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

\* **Warning:** This is an unofficial, introductory copy of the bill.

The official copy considered by the City Council is the first reader copy.

**Introductory\***  
**City of Baltimore**  
**Council Bill**

Introduced by: Councilmember Burnett

A Bill Entitled

An Ordinance concerning

**Nicotine Replacement Therapy Products - Sale and Distribution**

For the purpose of requiring certain retailers to sell nicotine replacement therapy products; mandating certain retail display and packaging requirements; requiring certain employers and facilities to offer nicotine replacement therapy products at no cost; defining certain terms; providing for a special effective date; establishing certain penalties; and generally relating to the sale and distribution of nicotine replacement therapy products.

By *adding*

*Article - Health*

*Section(s) 12-901 to 12-907, to be under the new subtitle,*

*“Subtitle 9. Nicotine Replacement Therapy Products”*

*Baltimore City Code*

*(Edition 2000)*

By repealing and reordaining, with amendments

Article 1- Mayor, City Council, and Municipal Agencies

Section(s) 40-14(e)(7) and 41-14(6)

Baltimore City Code

(Edition 2000)

**Section 1. Be it ordained by the Mayor and City Council of Baltimore,** That the Laws of Baltimore City read as follows:

**Baltimore City Revised Code**

**Article - Health**

**Title 12. Tobacco Products and Smoking Devices**

**Subtitle 9. Nicotine Replacement Therapy Products**

**§ 12-901. Definitions.**

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Nicotine replacement therapy product.*

“Nicotine replacement therapy product” means an over-the-counter nicotine delivery system, such as gum, patches, sprays, inhalers, or lozenges, which is approved by the United States Food and Drug Administration for the purposes of relieving nicotine withdrawal symptoms.

(c) *Person.*

(1) *In general.*

“Person” means:

- (i) an individual;
- (ii) a partnership, firm, association, corporation, or other entity of any kind; and
- (iii) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.

(2) *Inclusions.*

“Person” includes, except as used in § 12-908 {“Civil Penalties: \$100”} of this subtitle, a governmental entity or an instrumentality or unit of a governmental entity.

**§ 12-902. {Reserved}**

**§ 12-903. Nicotine replacement therapy products - retailers.**

(a) *“Retailer” defined.*

In this section, a retailer means any:

- (1) licensed retailer, as defined in State Business Regulation Article § 16-201(d) {“Licensed retailer”}; or
- (2) licensed other tobacco products retailer, as defined in State Business Regulation Article § 16.5-101(e) {“Licensed other tobacco products retailer”}.

(b) *Retailers required to sell nicotine replacement therapy products.*

A retailer must offer at least one form of nicotine replacement therapy product for sale.

(c) *Packaging.*

Any nicotine replacement therapy product offered for sale must be packaged in the smallest quantity available to the retailer.

(d) *Display.*

Any nicotine replacement therapy product offered for sale must be prominently displayed near any tobacco products offered for sale.

**§ 12-904. Nicotine replacement therapy products - certain facilities and employers.**

(a) *Definitions.*

(1) *In general.*

In this section, the following terms have the meanings indicated.

(2) *Large employer.*

“Large employer” means any person who:

- (i) employs 50 or more full-time employees in the City of Baltimore; and
- (ii) has a designated area for smoking within its place of business.

(3) *Medication-assisted treatment.*

“Medication-assisted treatment” has the meaning stated in the Code of Federal Regulations, Title 42, Chapter I, Subchapter A, § 8.2 {“Medication-assisted treatment”}.

(b) *Distribution required.*

Upon request, a single dose of a nicotine replacement therapy product must be made available at no cost to:

- (1) the clients and employees of a facility offering medication-assisted treatment; and
- (2) the employees of any large employer.

**§§ 12-905 to 12-906 {Reserved}**

**§ 12-907. Enforcement by citation.**

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

- (1) an environmental citation under City Code Article 1, Subtitle 40 {“Environmental Control Board”}; or
- (2) a civil citation under City Code Article 1, Subtitle 41 {“Civil Citations”}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(c) *Each day a separate offense.*

Each day a violation continues is a separate offense.

**Baltimore City Code**

**Article 1. Mayor, City Council, and Municipal Agencies**

**Subtitle 40. Environmental Control Board**

**§ 40-14. Violations to which subtitle applies.**

(e) *Provisions and penalties enumerated.*

(7) Health Code

Title 12: Tobacco Products and Smoking Devices

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Subtitle 9: Nicotine Replacement Therapy Products \$100

**Subtitle 41. Civil Citations**

**§ 41-14. Offenses to which subtitle applies - Listing.**

(6) *Health Code*

Title 12: Tobacco Products and Smoking Devices

...

Subtitle 9: Nicotine Replacement Therapy Products \$100

**Section 2. And be it further ordained,** That this Ordinance takes effect one year after the date it is enacted.